

Beverly Designated Port Area Boundary Review



Massachusetts Office of Coastal Zone Management

May 15, 2014

DPA Program

Protect coastal geographic areas that provide primary characteristics that are essential for Water-Dependent Industrial (WDI) uses:

1. Waterfront developed for commercial navigation or use of waterway;
2. Backland space that is conducive physically and in use character to industrial uses; AND
3. Appropriate roadway and utility services to support industrial uses

DPA Policy Background

- Beverly DPA established in 1978
- DPA rules to protect WDI uses on water-side areas incorporated into Chapter 91 in 1979
- Legislature expanded Chapter 91 licensing authority (including DPA rules) to filled tidelands in 1984
- DPA regulations setting forth procedure for establishing and modifying DPA boundaries established in 1994
- Current review is first comprehensive review of the entire Beverly DPA boundary

DPA Boundary Review: Purpose

- The purpose of the DPA boundary review process is to determine whether a DPA boundary should remain as it is currently established or whether it should be modified to more appropriately protect and promote the goals of DPA policy.

Current Beverly DPA Boundary



Initiation of Boundary Review

- CZM received a request for a review of the entire Beverly Harbor DPA boundary in writing from Mayor Cahill's office on April 16, 2014
- CZM formally accepted the city's request on April 23, 2014

Public Notice and Comment Period

- Notice of boundary review was published in *Environmental Monitor* and *Salem News* on May 7, 2014
- CZM will accept public comments until 5 p.m. on June 6, 2014 (30 days from publication of notice)

Consultation Period

- Consultation period will begin at close of 30 day public comment period (6/6/14)
- Purpose of consultation period:
 - Establish work plan
 - Information gathering period
 - Meet with city officials, property owners, agencies, others
- Timeline:
 - Generally no longer than 6 months

Issuance of Designation Report

- Written designation report issued by CZM within 30 days of close of consultation period
- Report includes:
 - Areas to be included/excluded
 - Maps of proposed changes
 - Data and analyses on which the proposed changes are based

Public Comment on Designation Report

- Notice of the designation report and public hearing published in *Environmental Monitor* and local paper
- CZM accepts public comment for 30 days (may be extended upon request and with notice)
- CZM will hold a public hearing in the community during 30-day comment period

Issuance of Designation Decision and Map Amendment

- Final Designation Decision issued by CZM Director within 60 days of close of comment period
- Decision takes effect immediately upon issuance
- Notice published in *Environmental Monitor* and sent to all relevant parties

DPA Planning Units

- Boundary review criteria applied to coherent planning units, rather than individual project sites
- Combined characteristics of associated parcels are not reflected accurately in the characteristics of single parcels
- Geographic areas proposed to be included in or removed from DPA must be configured so that all factors affecting overall suitability of the area to accommodate WDI use are considered

Two step process...

Step 1 – Determine **eligibility** for further review

- Certain areas in the DPA are not eligible for review:
 - areas that have been the subject of a boundary designation within the previous 5 years;
 - areas that have been in primarily WDI use in the previous five years;
 - areas recommended for exclusion by the City Council or other municipal body;
 - areas entirely bounded by existing DPA lands or waters

Two step process...

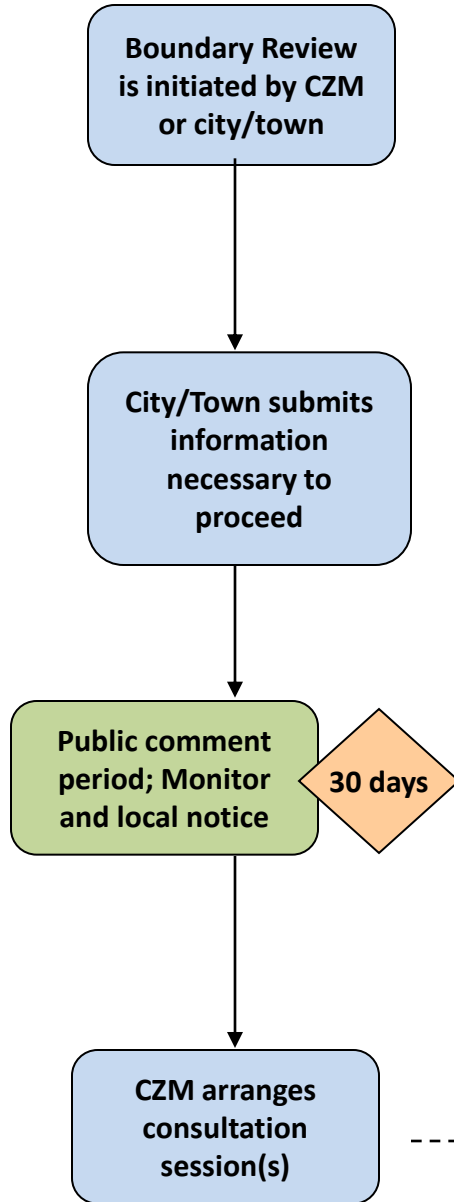
Step 2 – Apply **designation criteria**

- Land and water areas must be in substantial conformance with **all criteria** to remain in the DPA:
- **Land:**
 - Shoreline substantially developed
 - Road/rail access and utilities (water/sewer)
 - Topography generally conducive to industrial use
 - Use character is predominantly industrial, and does not contain dense concentration of recreational, commercial or residential uses
- **Water:**
 - Navigable entrance channel of 20 foot design depth
 - Shoreline substantially developed to establish a connection with a land area that meets DPA designation criteria
 - Configured, sized, and located to support DPA uses

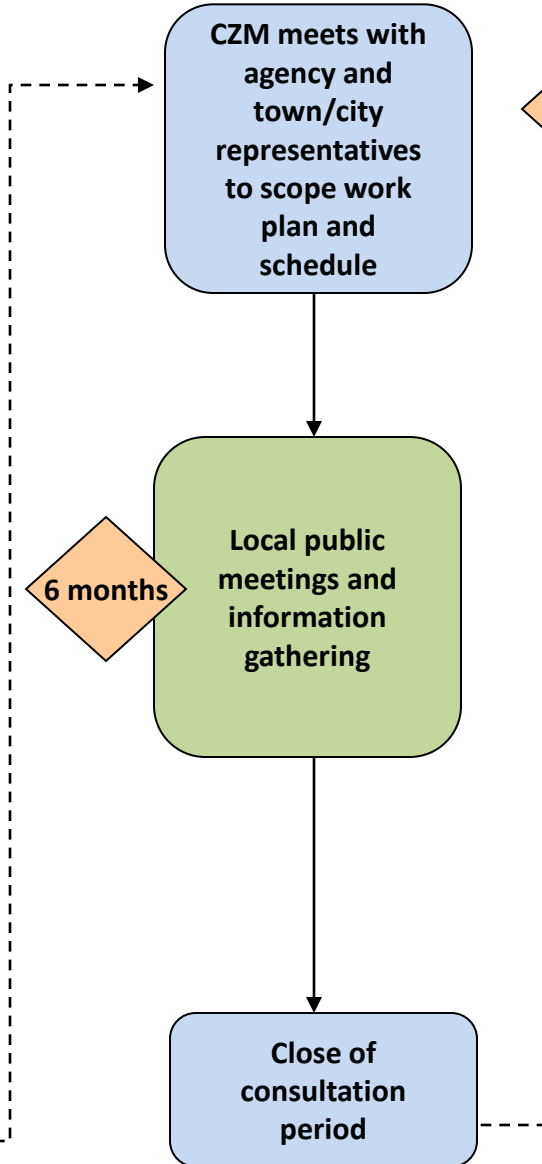
Findings

- An area under review shall be included or remain in a DPA if and only if CZM finds that the area is in substantial conformance with each of the criteria governing suitability to accommodate water-dependent industrial use.

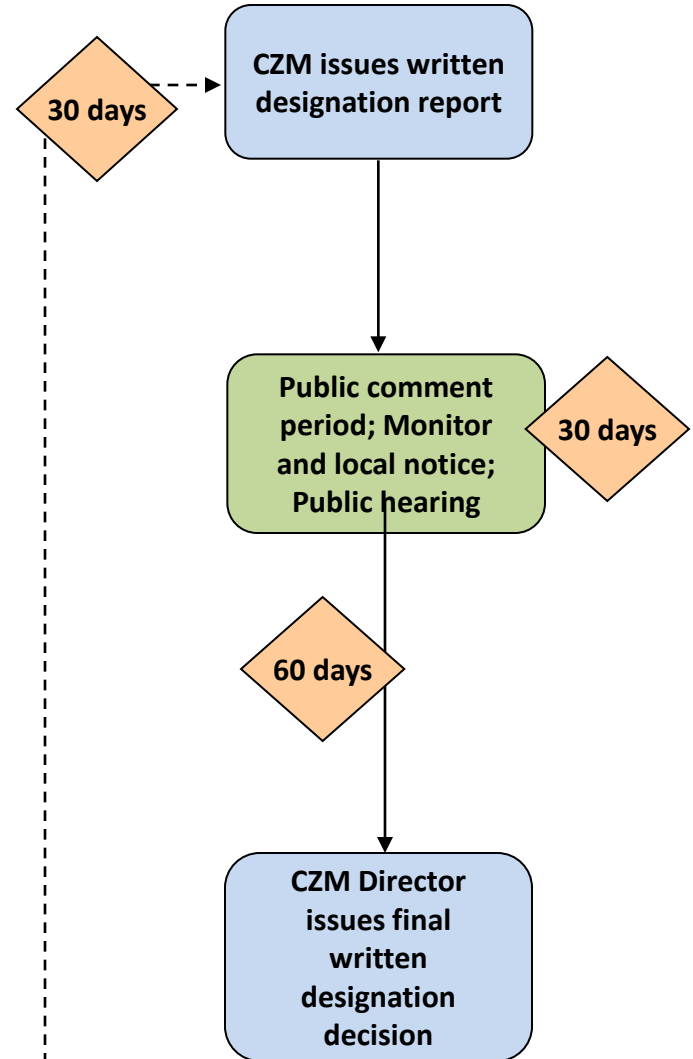
DPA Boundary Review Initiation



Consultation Period



Boundary Designation



Comments information

- Deadline for comment submittal:
June 6, 2014 by 5:00 p.m.
- Comments should be addressed to:
**Office of Coastal Zone Management
Attn: Kathryn Glenn, North Shore Regional
Coordinator
251 Causeway Street, Suite 800
Boston MA 02114-2136**